

Amendments to the Drawings

The attached sheet 15 of drawings includes changes to Figs. 30 and 31. This sheet replaces the original sheet 15 including Figs. 30 and 31. In Figs. 30 and 31, previously omitted reference numbers have been added.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

In the specification, the paragraphs [0055] and [0070] have been amended to correct two reference numbers.

Claim 9 has been amended to depend on claim 8 in place of claim 7, as required in the claim objection.

Figs. 30 and 31 of the drawings are amended by adding reference numbers which are present in the specification but mistakenly omitted from these drawings. With the amendments, it is submitted that the drawings now comply with 37 CFR §1.84(p)(5). Both an annotated sheet and a replacement sheet are provided for sheet 15 of the drawings.

Claims 2-16 remain in this application. Claim 1 has been cancelled. Claims 2, 3, 7 and 8 have been amended to incorporate the subject matter of claim 1 on which they originally depended. Claim 6 has been amended to recite that during use, the lower strap extends continuously around a user's head to distinguish from a lower strap with hooks on free ends which are hooked into separate recesses on sides of the mask body.

The examiner has acknowledged that claims 3-5 and 8-16 are directed to allowable subject matter. These claims are now believed to be in condition for allowance since claim 3 and 8 has been rewritten in independent form, claims 4 and 5 are dependent on claim 3, and claims 9-16 are dependent on claim 8.

Applicants respectfully traverse the rejection of claim 2 and 7 under 35 U.S.C. §102(e) as being anticipated by Kwok et al. patent 6,532,961. Claim 2 clearly requires that the mask have a brow bar releasably connected to the free end of a bridge and that the brow bar be free to rotate relative to the bridge while the free end of the bridge is connected to the brow bar. Kwok does not show such an arrangement. The joining member 14 in Kwok is equivalent to the bridge set forth in claim 2 and the T-shaped cushion frame 12 is equivalent to the brow bar in claim 2. The cushion frame 12 is in fact not free to rotate relative to the member 14 while these parts are

connected together. There is a locking mechanism including the button 36 which locks the rotational position between the cushion frame 12 and the member 14. In order for the cushion frame 12 to rotate relative to the member 14, the button 36 must be pressed and held pressed. This clearly does not allow the cushion frame 12 to freely rotate on the member 14. Consequently, claims 2 and 7 are not anticipated by Kwok. Nor would it be obvious to allow Kwok's cushion frame 12 to freely rotate on the member 14, since the Kwok mask then would not work satisfactorily. The normally engaged lock is required to adjust the position of the forehead pad 25 relative to the mask body in the Kwok mask. Applicant provides this adjustment at the opposite end of its bridge, not where the brow bar attaches to the bridge. In view of these differences between claim 2 and Kwok, it is submitted that claim 2 is neither anticipated by nor unpatentable over Kwok.

Claim 7 is directed to a mask having a brow bar which is releasably connected to a free end of a bridge portion of the mask, and headgear for mounting the brow bar on the forehead of a mask user. The mask can be disconnected from the brow bar while the brow bar remains mounted on the forehead of a mask user. Such an arrangement is not possible with the Kwok mask. Kwok's cushion frame 12 has pins 27 with flattened sides and the member 14 has keyhole openings 28. The lock pushbutton 36 must be pressed to release the lock and the cushion frame 12 must be rotated approximately 90° relative to the member 14 from the normal use positions shown in Figs. 1, 15 and 16 in order for the pins 27 to pass through the slot portions of the keyhole openings 28. This feature is used for assembling the Kwok mask. Because of the amount of rotation required to separate the cushion frame 12 from the member 14 on the mask body, it is not possible to detach the member 14 from the cushion frame 12 while the cushion frame 12 is secured to a mask user. Consequently, claim 7 is not anticipated by Kwok.

Nor would claim 7 be obvious over Kwok. There is no suggestion in Kwok of separating its mask body from its cushion frame 12 while the cushion frame remains

attached to a patient. Further, if a patient were able to detach the member 14 from the cushion frame 12 while the cushion frame 12 is secured to the patient, it would not be easy to reconnect these parts without removing the cushion frame 12 from the patient. Kwok clearly has not recognized or addressed the problem which applicants have addressed. Patients who wear nasal masks for sleep therapy may have to arise during the night, for example, to visit the bathroom or for other purposes. In the past, the patient was required to totally removed the mask and headgear, and to then reattach them when returning to bed. Many patients would do this in the dark to avoid disturbing a significant other. Care must be taken in attaching the headgear and the mask in order to obtain a seal between the mask and the patient's face. With applicants' invention, once the mask and headgear are properly attached when the patient goes to bed, the mask can be detached from the headgear and reattached without removing or disturbing the headgear adjustments. The patient can quickly reattach the mask without the need to adjust the headgear.

Reconsideration and allowance of claims 2 and 7 is requested.

Applicants respectfully traverse the rejection of claim 6 under 35 U.S.C. §103(a) as being unpatentable over the Kwok et al. patent in view of Lang patent 6,712,072. Claim 6 is dependent on claim 2 and is believed patentable over Kwok for the reasons discussed above for claim 2. Lang does not cure the failure of Kwok to teach a mask arrangement in which a brow bar is releasably connected to the free end of a bridge on a mask and also is free to rotate relative to the bridge while the brow bar is connected to the bridge. Lang was cited for teaching the use of elastic straps for mask headgear. It is agreed that it is a common practice to make headgear from an elastic material. However, the prior art does not show headgear having an elastic lower strap which extends continuously around a user's head in combination with a mask having a recess adapted to receive the elastic lower strap to secure a lower portion of the mask to the user's head. Nor is such a construction taught in Kwok.

Accordingly, it is submitted that claim 6 is patentable over Kwok and Lang, and that the rejection should be withdrawn.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By Oliver E. Todd
Oliver E. Todd, Jr.
Reg. No. 24,746

Enclosure

MacMillan, Sobanski & Todd, LLC
One Maritime Plaza
Fourth Floor
720 Water Street
Toledo, Ohio 43604

(419) 255-5900
Fax (419) 255-9639
email todd@mstfirm.com

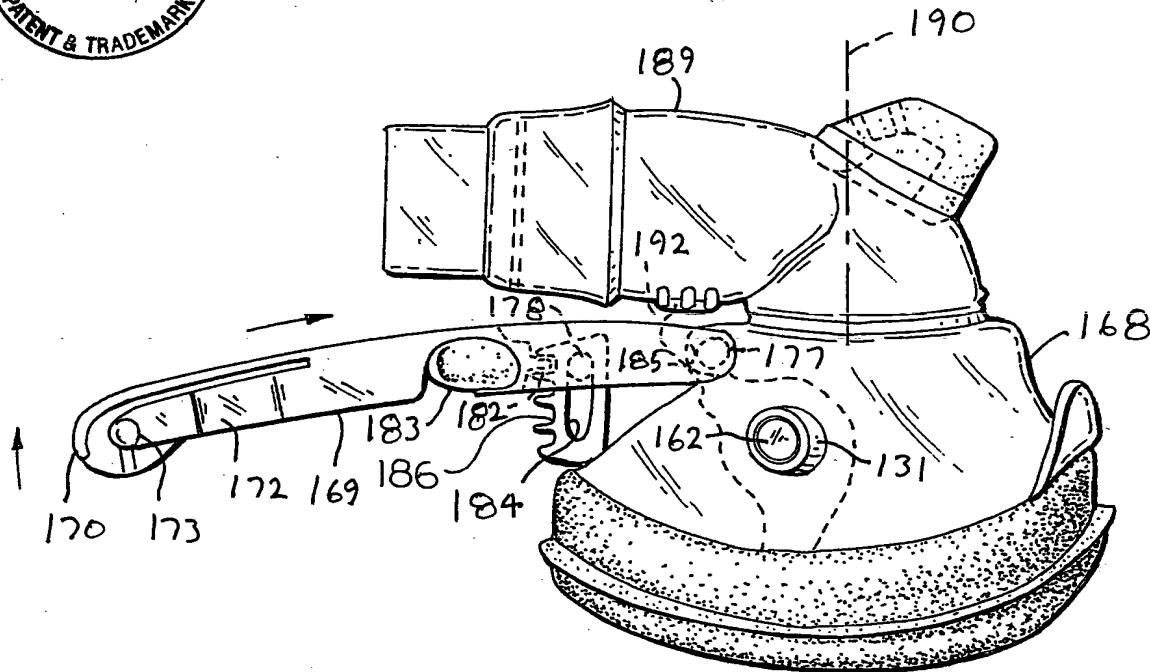


FIG. 30

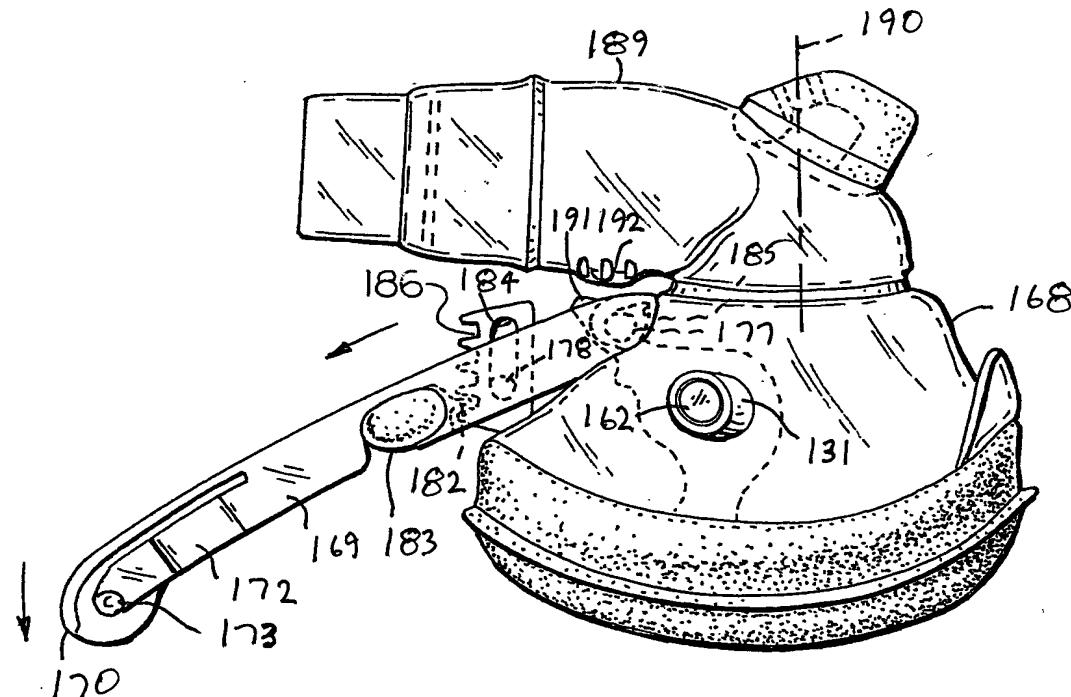


FIG. 31